

# BIRCH, STEWART, KOLASCH & BIRCH, LLP

INTELLECTUAL PROPERTY LAW  
8110 GATEHOUSE ROAD  
SUITE 100 EAST  
FALLS CHURCH, VA 22042-1248  
U S A

(703) 205-8000  
FAX: (703) 205-8050  
(703) 698-8590 (G IV)

e-mail: mailroom@bskb.com  
web: <http://www.bskb.com>

OTHER OFFICES:  
CARLSBAD, CALIFORNIA  
COSTA MESA, CALIFORNIA  
LOS ANGELES, CALIFORNIA

SENIOR COUNSEL:  
JOSEPH A. KOLASCH

SCOTT L. LOWE  
PAUL C. LEWIS  
RICHARD GALLAGHER  
MARYANNE ARMSTRONG, Ph.D.  
KECIA J. REYNOLDS  
KALPANA REDDY  
ESTHER H. CHONG  
CATHERINE M. VOISINET\*  
EUGENE T. PEREZ  
CAROLYN T. BAUMGARDNER\*  
MARTIN R. GEISSLER\*  
J. ALISON GRABELL\*  
T. BENJAMIN SCHROEDER, Ph.D.  
PERCY L. SQUARE  
HYUNG N. SOHN  
CLINT A. GERDINE  
CRAIG A. MCROBBIE  
WILLIAM F. NIXON\*  
DANIEL K. DORSEY  
MATTHEW T. SHANLEY

REG. PATENT AGENTS:  
FREDERICK R. HANDREN  
MAKI HATSUMI  
GARTH M. DAHLEN, Ph.D.  
ROBERT E. GOOZNER, Ph.D.  
KRISTI L. RUPERT, Ph.D.  
SUSAN W. GORMAN, Ph.D.  
ROBERT W. DOWNS  
CHAD J. BILLINGS  
CARL T. THOMSEN  
JASON W. RHODES  
SAM BHATTACHARYA

22388 U.S. PTO  
10/695750



TERRELL C. BIRCH  
RAYMOND C. STEWART  
JAMES M. SLATTERY  
MICHAEL K. MUTTER  
CHARLES GORENSTEIN  
GERALD M. MURPHY, JR.  
LEONARD R. SVENSSON  
ANDREW D. MEIKLE  
MARC S. WEINER  
JOE MCKINNEY MUNCY  
ROBERT J. KENNEY  
JOHN W. BAILEY  
MARK J. NUEL, Ph.D.  
JAMES T. ELLER, JR.  
RICHARD ANDERSON  
THOMAS M. SMALL\*  
ROBERT A. SELDON\*  
JOHN A. SCILLIERI\*  
SANFORD ASTOR\*

OF COUNSEL:  
HERBERT M. BIRCH (1905-1996)  
BERNARD L. SWEENEY\*  
ELIOT A. GOLDBERG\*  
WILLIAM L. GATES\*  
EDWARD H. VALANCE  
RUPERT J. BRADY (RET.)\*  
F. PRINCE BUTLER  
FRED S. WHISENHUNT (RET.)  
JAMES W. HELLWEGE  
QUENTIN R. "RICK" CORRIE  
ROBERT F. GNUSE  
DAVID R. MURPHY  
ROBERT M. ASHEN\*  
MICHAEL R. CAMMARATA

\*ADMITTED TO A BAR OTHER THAN VA.

Date: October 30, 2003

Docket No.: 1215-0498P(000493-078)

## MS PATENT APPLICATION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

As authorized by the inventor(s), transmitted herewith for filing is a patent application applied for on behalf of the inventor(s) according to the provisions of 37 C.F.R. § 1.41(c).

Inventor(s): Sherwood C. Kiernan, Jr. and Donald J. Walker,  
Daniel E. STAMM, William B. Yablon and Paul M.  
Dishop

For: TRI-MODE CO-BORESIGHTED SEEKER

Enclosed are:

- ☒ A specification consisting of seventeen (17) pages
- ☒ Five (5) sheet(s) of formal drawings
- ☐ Applicant claims small entity status under 37 C.F.R. § 1.27

- ☒ Applicant does not claim priority
- ☐ Applicant claims the right of priority under 35 U.S.C. § 119 based on Application No(s).          filed in          on          .  
☐ Certified copy(ies) is(are) attached hereto.  
☐ Certified copy(ies) will follow.
- ☒ Executed Declaration in accordance with 37 C.F.R. § 1.64 will follow
- ☐ Preliminary Amendment
- ☐ Application Data Sheet in accordance with 37 C.F.R. § 1.76
- ☒ Information Disclosure Statement, PTO-1449
- ☐ Other: \_\_\_\_\_
- ☐ Applicant requests early publication - \$300.00 publication fee
- ☒ Non-publication Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i)

The filing fee has been calculated as shown below:

			LARGE ENTITY	SMALL ENTITY
BASIC FEE			\$770.00	\$385.00
	NUMBER FILED	NUMBER EXTRA	RATE      FEE	RATE      FEE
<b>TOTAL CLAIMS</b>	27-20=	7	x 18 = \$126.00	x 9= \$0.00
<b>INDEPENDENT CLAIMS</b>	2-3=	0	x 86 = \$0.00	x43= \$0.00
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS PRESENTED			+ \$290.00	+ \$145.00
<b>TOTAL</b>			\$896.00	\$0.00

- ☒ The application transmitted herewith is filed in accordance with 37 C.F.R. § 1.41(c). The undersigned has been authorized by the inventor(s) to file the present application. The original duly executed declaration together with the surcharge will be forwarded in due course.
- ☒ A check in the amount of \$896.00 to cover the filing fee is enclosed.

- ☐ Please charge Deposit Account No. 02-2448 in the amount of \$0.00. A triplicate copy of this transmittal form is enclosed.
- ☒ Please send correspondence to:  
BIRCH, STEWART, KOLASCH & BIRCH, LLP **or** Customer No. 02292  
P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By *William L. Gates*  
William L. Gates, Reg. No. 20,848

WLG/mpe  
1215-0498P(000493-078)

P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000

Attachment(s)

(Rev. 09/30/03)

PATENT  
1215-0498P(000493-078)

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: S.C. KIERNAN, JR., et al. Conf.: UNASSIGNED  
Appl. No.: NEW Group: UNASSIGNED  
Filed: October 30, 2003 Examiner: UNASSIGNED  
For: TRI-MODE CO-BORESIGHTED SEEKER

REQUEST AND CERTIFICATION  
UNDER 35 U.S.C. § 122(b)(2)(B)(i)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

October 30, 2003

Sir:

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

This request must be signed in compliance with 37 C.F.R. § 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

Docket No. 1215-0498P(000493-078)

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b) (2) (B) (iii)).**

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By William L. Gates  
William L. Gates, Reg. No. 20,848

WLG/mpe  
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